

REMARKS

Claims 1, 3, 5-19, 21-23, 25 and 26 are pending. The Examiner's reconsideration of the rejections is respectfully requested in view of the amendments and remarks.

Claims 1-4, 7-9, 16, 21-23 and 26 have been rejected under 35 U.S.C. 102(e) as being anticipated by Zweben et al. (U.S. Patent Application No. 2002/0169686). The Examiner stated essentially that Zweben teaches all the limitations of claims 1-4, 7-9, 16, 21-23 and 26.

Claim 1 claims, *inter alia*, “receiving the electronic service request including the customer purchase order; tracking a location of the mobile device issued to the customer; and delivering the product to a checkout register according to the location to which the mobile device is tracked.” Claim 9 claims, *inter alia*, “determining a customer purchase order for a selected product, the electronic service request including the customer purchase order; tracking a location of the mobile device issued to the customer to a checkout register; and delivering the selected product to the checkout register according to the location to which the mobile device is tracked.”

Zweben teaches a system and method for providing targeted product and service information to retail consumers (see paragraph [0003]). The targeted product and service information is provided based on search criteria (see paragraph [0041]) or based on an identification of a specific product (see paragraph [0042]). Zweben does not teach or suggest “delivering the product to a checkout register according to the location to which the mobile device is tracked” as claimed in claim 1 or “delivering the selected product to the checkout register according to the location to which the mobile device is tracked” as claimed in claim 9. Zweben teaches that a consumer provides either search criteria for determining a product that has yet to be identified or an identification of a specific product (see Figures 4 and 5). Zweben’s method retrieves product information, cross-sell information, and up-sell information based

either on the search criteria describing products or product identification (see paragraph [0043]). Nowhere does Zweben teach or suggest delivering a selected product to a checkout register according to a location to which a mobile device is tracked. Therefore, Zweben fails to teach all the limitations of claims 1 and 9.

Claims 1 and 9 include certain limitations of claims 20 and 24 respectively. Claims 20 and 24 have been rejected in under 35 USC 103(a) as being unpatentable over Zweben in view of Godsey (see below). Godsey teaches methods for tracking shopping carts through a store (see paragraph [0019]). Godsey does not teach or suggest “delivering the product to a checkout register according to the location to which the mobile device is tracked” as claimed in claim 1 or “delivering the selected product to the checkout register according to the location to which the mobile device is tracked” as claimed in claim 9. Godsey teaches tracking a shopping cart and using tracking data to determine parameters such as product placement (see paragraph [0036]). Godsey teaches tracking a shopping cart path and placing products according to recorded data about the shopping carts’ path. Tracking shopping carts, devices for carrying products to a checkout register, as taught by Godsey, does not teach or suggest delivering a product to a checkout register according to a location to which a mobile device is tracked. Godsey’s delivery of a product to a checkout register is dependent on the customer pushing the shopping cart to the checkout register. Further, the delivery of Godsey is independent of the location of the shopping cart. For example, the customer of Godsey could leave a shopping cart in an isle and hand carry an item to a checkout register. Nowhere does Godsey teach or suggest a product being delivered to a checkout register according to a location to which a mobile device is tracked, essentially as claimed in claims 1 and 9. Therefore, Godsey fails to cure the deficiencies of Zweben.

The combined teachings of Zweben and Godsey fail to teach or suggest “delivering the selected product to the checkout register upon tracking the mobile device to the checkout register” as claimed in claims 1 and 9.

Claims 2, 3, 7, 8 and 21 depend from claim 1. Claims 16, 22 and 23 depend from claim 9. Claim 26 depends from claim 17. The dependent claims are believed to be allowable for at least the reasons given for claims 1, 9 and 17. The Examiner’s reconsideration of the rejection is respectfully requested.

Claim 5 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Zweben in view of Lefkowitz (U.S. Patent Application No. 2002/0188501). The Examiner stated essentially that the combined teachings of Zweben and Lefkowitz teach or suggest all the limitations of claim 5.

Claim 5 depends from claim 1. Claim 5 is believed to be allowable for at least the reasons given for claim 1. The Examiner’s reconsideration of the rejection is respectfully requested.

Claim 6 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Zweben and Official Notice. The Examiner stated essentially that the combined teachings of Zweben and information recognized by Official Notice teach or suggest all the limitations of claim 6.

Claim 6 depends from claim 1. Claim 6 is believed to be allowable for at least the reasons given for claim 1. The Examiner’s reconsideration of the rejection is respectfully requested.

Claims 10-11 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Zweben in view of Saito et al. (U.S. Patent Application No. 2001/0014870). The Examiner stated essentially that the combined teachings of Zweben and Saito teach or suggest all the limitations of claims 10-11.

Claims 10-11 depend from claim 9. The dependent claims are believed to be allowable for at least the reasons given for claim 9. The Examiner's reconsideration of the rejection is respectfully requested.

Claim 12 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Zweben in view of Saito, and further in view of Official Notice. The Examiner stated essentially that the combined teachings of Zweben, Saito and Official Notice teach or suggest all the limitations of claim 12.

Claim 12 depends from claim 9. Claim 12 is believed to be allowable for at least the reasons given for claim 9. The Examiner's reconsideration of the rejection is respectfully requested.

Claims 13-15, 20 and 24 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Zweben in view of Godsey et al. (U.S. Patent Application No. 2002/0161651). The Examiner stated essentially that the combined teachings of Zweben and Godsey teach or suggest all the limitations of claims 13-15.

Claims 13-15 depend from claim 9. Claims 20 and 24 have been cancelled. The dependent claims are believed to be allowable for at least the reasons given for claim 9. Reconsideration of the rejection is respectfully requested.

Claims 17, 19 and 25 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Zweben in view of Ambrose et al. (U.S. Patent Application No. 2002/0065879). The Examiner stated essentially that the combined teachings of Zweben and Ambrose teach or suggest all the limitations of claims 17, 19 and 25.

Zweben teaches that targeted product and service information is provided based on search criteria (see paragraph [0041]) or based on an identification of a specific product (see paragraph

[0042]). Zweben does not teach or suggest determining whether the user input is a customer query as claimed in claim 17. Zweben teaches customer input constrained to specific or general product identifiers. Zweben does not teach or suggest different types of customer input; the customer input is a product identifier. Zweben fails to teach or suggest different types of input. Thus, nowhere does Zweben teach or suggest making a determination as to what the customer input is. The consumer input is defined as a product identifier. Thus, Zweben fails to teach or suggest determining whether the user input is a customer query. Therefore, Zweben fails to teach or suggest all the limitations of claim 17.

Ambrose teaches a web based client-server system with thin client architecture, and more specifically, to a method and system for transferring service requests and responses to the requests between a thin client and an enterprise server in a client-server system (see Abstract). Ambrose does not teach or suggest “determining whether the user input is a customer query” as claimed in claim 17. Ambrose teaches a customer created a service request (see paragraph [0339]). The service request includes the contact who reported the service request, the product with which assistance is requested, the customer's environment or profile, and which third-party products are in use and relevant to the service request (see paragraph [0263]). Ambrose does not teach or suggest that the service request is a customer specified question or comment about a product corresponding to the product identifier, essentially as claimed in claim 17. The service request of Ambrose is not a customer query as claimed in claim 17. Thus, Ambrose does not teach or suggest “determining whether the user input is a customer query” as claimed in claim 17. Therefore, Ambrose fails to cure the deficiencies of Zweben.

The combined teachings of Zweben and Ambrose fail to teach or suggest, “determining whether the user input is a customer query, if so, adding the customer query to a query queue and

delivering an acknowledgment to the mobile device confirming the receipt of the customer query, wherein the query is a customer specified question or comment about a product corresponding to the product identifier” as claimed in claim 17.

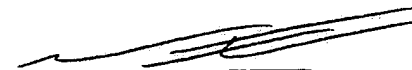
Claims 19 and 25 depend from claim 17. Claims 19 and 25 are believed to be allowable for at least the reasons given for claim 17. The Examiner’s reconsideration of the rejection is respectfully requested.

Claim 18 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Zweben and Ambrose in view of Yacoby (U.S. Patent No. 6,516,311). The Examiner stated essentially that the combined teachings of Zweben, Ambrose and Yacoby teach or suggest all the limitations of claim 18.

Claim 18 depends from claim 17. Claim 18 is believed to be allowable for at least the reasons given for claim 17. The Examiner’s reconsideration of the rejection is respectfully requested.

For the forgoing reasons, the application, including claims 1, 3, 5-19, 21-23, 25 and 26, is believed to be in condition for allowance. Early and favorable reconsideration of the case is respectfully requested.

Respectfully submitted,



Nathaniel T. Wallace
Reg. No. 48,909
Attorney for Applicants

F. CHAU & ASSOCIATES, LLC
130 Woodbury Road
Woodbury, New York 11797
TEL: (516) 692-8888
FAX: (516) 692-8889